



UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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| EXAMINER | |
|-------------|--------------|
| MARSCHEL, A | |
| ART UNIT | PAPER NUMBER |
| 183 | 4 |

DATE MAILED:

07/24/89

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire _____ (s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☒ Information on How to Effect Drawing Changes, PTO-1474
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 4, 5, 7, 9, 10, 12-15 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 4, 5, 7, 9, 10, 12-15 are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____
has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However,
the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are
corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO
EFFECT DRAWING CHANGES", PTO-1474.
12. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 4, drawn to a polypeptide, classified in Class 530, subclass 324.

II. Claims 12-15, drawn to a hybridization probe, a cell containing said probe, a kit, and method of hybridization, classified in Class 435, subclass 6.

III. Claims 5, 7, and 14, drawn to an antibody, kit, and immunoassay, classified in Class 436, subclass 501.

IV. Claims 9 and 10, drawn to a method of inhibiting malignancy, classified in Class 424, subclass 85.8.

Claim 14 is included with Groups II and III with the proviso that when included with Group II, only part (a) of the method (hybridization) is included, and when included with Group III, only part (b) of the method (immunoassay) is included. Claim 14 is an improperly alternative claim in referring to two entirely different methods.

The inventions are distinct, each from the other because of the following reasons:

Groups II, III, and IV are entirely different methods and reagents and do not require the reagent of Group I or each other for the methods to be carried out.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown both by their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed.


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication should be directed to Ardin Marschel, Ph.D., at telephone number: 703-557-0664



A. MARSCHEL:am

July 20, 1989



AMELIA BURGESS YARBROUGH
PRIMARY EXAMINER
ART UNIT 183